

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:97CR00141 ERW
)	
BILLIE JEROME ALLEN,)	
)	
Defendant.)	

GOVERNMENT’S RESPONSE TO DEFENDANT’S
MOTION FOR APPOINTMENT OF COUNSEL

Comes now the United States of America, by and through its attorneys, Catherine L. Hanaway, United States Attorney for the Eastern District of Missouri and Steven E. Holtshouser and Joseph M. Landolt, Assistant United States Attorneys for said District, and responds to defendant’s motion for appointment of counsel as follows:

Section 3599(a)(2) of Title 18 of the United States Code references appointment of counsel in “any post-conviction proceeding”. Although the language of this statute seems to indicate that a proceeding should be pending before counsel is appointed, the Government is aware of the interpretations of 21, U.S.C. §848(q). Without conceding the correctness of said interpretations, the Government does not oppose defendant’s motion for appointment of counsel. Even though a petition under 28 U.S.C. § 2255 has not been filed on behalf of Mr. Allen, such a petition is inevitable and the Government believes that counsel for Mr. Allen would assist the court and all parties in refining the issues for review.

Accordingly, the Government does not oppose defendant's motion.

Respectfully submitted,

CATHERINE L. HANAWAY
United States Attorney

/s/ Steven E. Holtshouser
STEVEN E. HOLTSHOUSER
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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2006, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

J. W. Simon
P.O. Box 26412
Kansas City, MO 64196-9998

/s/Steve E. Holtshouser
Assistant United States Attorney